

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ARON FREELAND,

Petitioner,

v.

CIVIL ACTION NO. 2:23-cv-00350

JOHN A. HUTCHINSON, et al.,

Respondents.

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On September 29, 2023, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendation (“PF&R”), [ECF No. 36], recommending that the court dismiss Plaintiff’s Amended Complaint, [ECF No. 7], and this civil action under Rule 12(h)(3) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1915A. Because this Court lacks subject matter jurisdiction and the Petitioner seeks relief from Respondents who are immune from suit, Magistrate Judge Tinsley did not order service of process on the respondents or require their appearance in the case.

The deadline for Petitioner to file objections to the PF&R was October 16, 2023. He did not file any such objections, and the deadline has now passed.

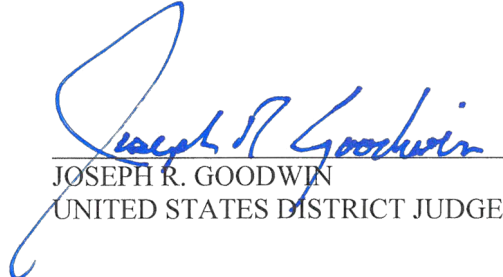
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review—under a de novo or any other standard—the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The Plaintiff's Amended Complaint, [ECF No. 7], and this civil action are **DISMISSED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: November 2, 2023



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE